

## STAFF REPORT

**TO:** Planning & Economic Development Committee

**DATE:** 8/17/10

**FROM:** Shannon Tuch, Assistant Planning & Development Director

**SUBJECT:** History of the City of Asheville's Sign Code

### **Summary**

Over the last several months, a variety of topics have been discussed prompting several requests for additional information on the sign code background and context. The following provides some background on those issues raised.

### ***Background***

The City of Asheville has had sign regulations since 1977 which were included as one section of a separate zoning code. While these standards were generally very basic and broad, they were nonetheless amended numerous times before experiencing a significant overhaul in 1989 when they were expanded and re-organized into a form that is similar to the current sign code. In 1997 the zoning code (including sign standards) was incorporated into the current ***Unified Development Ordinance (UDO)*** which necessitated a number of changes to address the new zoning designations. While the basic sign code limitations were generally maintained, several properties found that they had been re-classified to a less intense zoning designation and were therefore afforded a reduced sign allowance. To help off-set some of the sign allowance reductions, the sign standards were expanded to include a number of new categories of signage not previously considered which provided more flexibility and options for affected properties and for some unique signage needs.

Recognizing that the comprehensive amendment would likely result in a number of non-conformities, a detailed sign survey was conducted by City staff in 1997. Every sign in place at that time was identified and included in a record that included height, size, location and other pertinent information. Property and business owners were then notified of the sign(s) status and were given a five year amortization period to bring signs into compliance, either through replacement/alteration or through a variance. A great number of property owners responded with variance requests while others chose to wait out the amortization period expecting a change in ownership or tenancy to resolve the non-conformity. Due to limited staff resources and shifting enforcement priorities, pro-active enforcement of the unresolved signs was not pursued and non-conforming signs are still seen on occasion today. Since 1989, there have been four separate wording amendments specifically addressing existing non-conforming signs which help to provide accommodation to wide variety of existing conditions. A brief survey of the other amendments reveals a few other common themes:

- Changes to fees
- Changes to off-premise sign standards (billboards) to reflect changing technologies in the industry
- Revisions to sign structure setbacks
- Special accommodation for unique signs (a-frames, marquis signs, temporary signs etc.) in common use in urbanized areas

During this same time period (late 80's and early 90's) there was much attention given to signs and sign standards with equally fervent opinions expressed from both business owners who wanted more and larger signs to provide better business identification and from citizens who were fighting the proliferation of sign "clutter" that they believed was becoming increasingly common and objectionable from an aesthetic, wayfinding, and safety perspectives. In response, a large and diverse stakeholder group was formed and met regularly for approximately a year as standards were negotiated and revised. Every effort was made to be fair and reasonable, and to satisfy the number of divergent concerns. The critical work of this group continues to influence the city's application and development of sign standards with an emphasis on providing opportunity for legitimate business needs while controlling intrusions and unnecessary distractions that could cause safety hazards for drivers and pedestrians.

### **Analysis**

Our experience reflects that the sign code standards and their interpretation and application receive the greatest level of resistance from some sectors of the business community of any section in the zoning code, despite the extent of the options and the moderate allowances offered. And enforcement of this code also receives a very strong scrutiny from the public and business competitors. In conversation with senior staffers, concern over sign standards goes back as far as one can recall and consistently gets raised periodically, year after year. And the pendulum seems to swing from year to year from concern that there is inadequate enforcement to concern that the standards are overly restrictive. Additionally, when speaking with other zoning enforcement personnel across the region, and seeing the content of sessions at national conferences, the tension with sign code standards appears to be a fairly universal phenomenon and is notorious for the challenges involved with enforcement.

Asheville has attempted to overcome some of this tension by convening stakeholder groups to identify the fair and reasonable "middle ground" and an informal benchmarking study conducted three years ago confirmed Asheville's position as neither the most restrictive nor the most lenient of cities in the southeast. Nevertheless, Asheville City staff continues to experience complaints on a regular basis (on both sides of the debate) for numerous reasons – one of the more common of which from business owners is how the basic sign standards do not address a unique lot shape or building orientation. Another fairly intractable issue is that of how much signage to allow in the windows of a business, and the relationship of that sort of signage (often temporary) to the overall signage allowance. As with all ordinances, it is challenging to anticipate all development possibilities and most standards are designed for the most common situations; for those that are atypical, a variance process is provided and relief from the sign standards can be considered when there exists a physical hardship to the site. The variance process has been an effective tool and is a relatively simple and expedient application process. The code also has to adjust to the ever evolving technologies and materials and surfaces used for advertising.

The most recent amendments to the City's sign code have been necessitated by new and changing technology. This has resulted in new standards for digital signs, both for off-premise billboards (advertising) but also for on-premise (business identification) signage. In addition to these significant additions, smaller less conspicuous additions have been made to accommodate other special considerations such as:

- Signage designed for pedestrian oriented areas
- Real estate signs for larger or mixed use buildings
- Changes to temporary signs (more flexibility)
- Special event signage

- New allowances for signs on busses
- Expanding areas where A-frame signs could be used, and
- Creation of a new application process for larger development areas, a.k.a. “sign packages”

Planning staff continue to review variance requests for frequency and type as indicators for when additional allowances or options should be considered and an amendment to the sign code is warranted. Due to the challenges associated with sign codes and sign enforcement, staff is frequently reviewing planning publications, codes in neighboring municipalities, and industry best practices for new and better options. Unfortunately, not much has been identified recently that appears to be worth emulating from a traditional zoning code perspective. There are, however, some newer form-based versions of sign codes that are easier to read and understand and may be worth considering at some point in the future. This is not an unusual situation, as Asheville, due to its twin traditions of entrepreneurship and civic activism, has often been in the forefront of the evolution of zoning standards in recent years.